

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

UNITED STATES OF AMERICA,	:	NO. 1:07-CR-00093(1)
	:	Civil NO. 1:10-CV-00552
	:	
	:	
v.	:	
	:	<b>OPINION AND ORDER</b>
	:	
ALEX L. GARNETT.	:	
	:	
	:	

This matter is before the Court on Petitioner's Motion for Reconsideration of the Denial of His Section 2255 And Certificate of Appealability (doc. 191), and the government's Response in Opposition (doc. 193). The Court DENIES Petitioner's Motion.

In its previous Order, the Court thoroughly reviewed the facts of this case and found "absolutely no basis" for Petitioner's claims that his attorney was ineffective in his representation, that his plea was unknowing and involuntary, or that the government acted in any way improper (doc. 187). In his instant motion, Petitioner contends the Court misapprehended his claims regarding the absence of his counsel at debriefing sessions with government agents, and his claims regarding the alleged lack of safeguards to ensure he would receive the benefit of his assistance (doc. 191).

The government responds the Court considered such claims in its Order and properly rejected them (doc. 193). The government

contends, correctly, that whether to request a downward departure for substantial assistance is within its discretion (Id.). It further contends that it did reward Petitioner for his assistance (Id.). Finally, the government argues Petitioner was in no way prejudiced by what he characterizes as "illicit" meetings with government agents (Id.).

Having reviewed this matter, the Court finds the government's position well-taken. The Court finds no merit to Petitioner's claims. Accordingly, the Court DENIES Petitioner's Motion for Reconsideration of the Denial of His Section 2255 Motion (doc. 191). The Court further REITERATES that a certificate of appealability should not issue in this case, and CERTIFIES that any appeal of this Order, and the Order denying Plaintiff's Motion to Vacate (doc. 187), would not be taken in good faith. Any application to appeal in forma pauperis will be denied.

SO ORDERED.

Dated: May 15, 2012

/s/ S. Arthur Spiegel

S. Arthur Spiegel  
United States Senior District Judge